

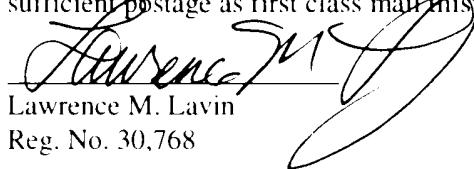
1638



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Certificate of Mailing

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Lawrence M. Lavin
Reg. No. 30,768

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In re the Application of: Timothy W. Conner et al

Serial No:	09/846,903	Group Art Unit: 1638
Filed:	May 1, 2001	Examiner: Cynthia E. Collins
For:	PLANT REGULATORY SEQUENCES FOR SELECTIVE CONTROL OF GENE EXPRESSION	
Confirmation No.:	4644	

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT UNDER 35 U.S.C. 1.21

This paper is filed in response to the Office communication dated September 17, 2002. It is respectfully requested that the election below be entered with traverse and that the application be examined on the merits.

Remarks

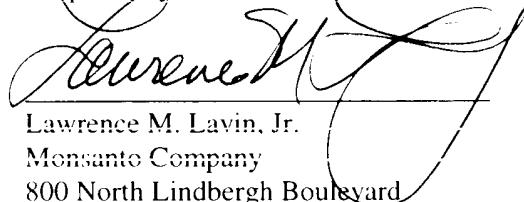
In the action dated September 17, 2002, the U.S. Patent and Trademark Office required restriction under 35 U.S.C. 121 from among the following groups:

- I. Claims 1-23, drawn to an isolated nucleic acid, a promoter, a cell, a transgenic plant, a method of regulating transcription, and a method of making a transgenic plant, classified in

Applicants elect Group I consisting of Claims 1-23 with traverse and respectfully request that the application be examined on the merits. Applicants believe that it would not create an undue burden on the Examiner to conduct a search encompassing all of the claims. Further, Applicants reserve the right to file divisional applications to further prosecute non-elected groups.

Should any questions arise or if Applicants or Applicants' attorney can facilitate the examination of this application, it is respectfully requested that the PTO contact the undersigned attorney.

Respectfully submitted,



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October 8, 2002